

REMARKS

Claims 1-3, 6-9 and 11-27 are active in the present application.

Support for the stringent conditions in the claims is found on page 26, lines 3-8.

Support for Claims 20-27 is found on page 1, 1, lines 10-11 and Claims 1-3, 5, 7 and 17-19.

No new matter is added by these amendments.

Applicants wish to thank Examiner Kerr for the courteous and helpful discussion granted to the Applicants' undersigned representative. In view of the amendments submitted herein and the following remarks, favorable reconsideration and allowance of all pending claims is requested.

The rejections of Claims 1-3 and 5-7 under 35 U.S.C. § 112, first paragraph ("written description" and "enablement") are traversed in light of the amendments to the claims submitted herein.

The claimed methods include a definition of the DNA, which encodes the PBP gene whose function is reduced or eliminated: " wherein said penicillin binding protein is encoded by a DNA which comprises nucleotides 881 to 2623 of SEQ ID NO:1, or a DNA which is hybridizable with a nucleotide sequence comprising at least nucleotides 881 to 2623 of SEQ ID NO:1 under stringent conditions and which codes for a penicillin binding protein, wherein the stringent conditions comprise washing at 60°C in 1 X SSC and 0.1% SDS."

The conditions considered stringent are described in the specification o page 26, lines 3-8. As set forth in the Synopsis of Application of Written Description Guidelines, Example 9 concerning the genus of DNAs covered by the present claims, a claim relating to a genus of DNAs based on stringent hybridization conditions is adequately described. Similarly, the claims are enabled since the conditions for determining stingent conditions are set forth in the

claims and the specification discloses methods of producing mutant bacteria or PBP on page 11, line 8 to page 12, line 3, deletion of a gene on the bacterial chromosome on page 16, line 19 to page 17, line 21; and also an example of such bacteria on pages 35-36 (Example 4).

In light of the foregoing, withdrawal of this ground of rejection is requested.

The rejection of Claims 1-3 and 5-7 under 35 U.S.C. § 112, second paragraph is addressed by the amendments submitted herein.

Claim 1 provides the DNAs, which encode the PBP whose function is reduced or eliminated.

The objection to Claim 10 under 37 C.F.R. § 1.75(c) is obviated by the cancellation of the claim.

In the event the Examiner has any questions or wishes to discuss any aspect of the present application, she is invited to contact the Applicants' undersigned representative.

Applicants submit that the present application is now in a condition for allowance.
Early notice of such allowance is requested.

Respectfully submitted,

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